THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21237 OF 2005

DATED:29.9.2O05

Between:

Harijana Manthi Vannurappa

…Petitioner

And

The Mandal Revenue Officer

Anantapur Mandal, Anantapur District

…Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21237 OF 2005

ORDER:

The petitioner's grandfather was originally assigned land admeasuring Acs.5.74 in S.No.83 of Somaladoddy Village, Anantapur District, in the year 1898. The petitioner approached the respondent by filing an application under Section 3(1) of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, the Act) seeking restoration of the land. There were as many as twelve persons who are claiming the land and who are in possession of the land. Therefore, the Mandal Revenue Officer issued notices to all twelve of them and after considering the contentions and evidence, framed three issues, namely, whether the land in question is assigned

land with a condition of non-alienability, whether petitioner is entitled for restoration, and whether respondents therein are entitled for retention of the land under Section 3(5) of the Act. After considering these issues, the respondent came to the conclusion that the land in question is not assigned land and that the provisions of the Act are not attracted. Assailing the proceedings of the Mandal Revenue Officer dt.27.8.2005, present Writ Petition is filed.

The petitioner has not added those persons who are respondents before the Mandal Revenue Officer as parties to this Writ Petition. It is now well settled that unless all the persons, who are likely to be affected by any orders of this Court, are added as parties, this Court cannot exercise jurisdiction under Article 226 of the Constitution of India. Secondly, admittedly, petitioner has right of appeal before the Revenue Divisional Officer under Section 4A of the Act and the petitioner has not availed the remedy. These two limitations bar exercise of jurisdiction by this Court at this stage. The petitioner is given liberty to approach the appellate authority and file appeal within a period of ten days from the date of receipt of this order. As and when such appeal is filed, the jurisdictional Revenue Divisional Officer shall entertain the appeal and dispose of the same within a period of eight weeks thereafter.

The Writ Petition with the above observations is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

29.9.2005

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